



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS
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Enforcement Action

Gary Johnson Professional Geologist No. 4315

The Board for Geologists and Geophysicists (Board) revoked Professional Geologist (PG) license No. 4315 issued to Mr. Gary Johnson. The PG license was revoked as part of a settlement of a Stipulated Revocation of License and Order in resolution of Accusation Number No. 01-2002-14 pursuant to Business and Professions Code §§7860(b)(2), 7860(b)(3); and 7860(3), specifically, California Code of Regulations, Title 16 §§3065(a)(2), 3065(b)(4) and 3065(b)(8) for unprofessional conduct. Professional Geologist Gary Johnson failed to exercise reasonable care in determining and reporting the exact locations of the former subsurface structures and geologic conditions located at a contamination release site. The professionally certified reports were subsequently submitted to the Leaking Underground Storage Tank Cleanup Fund (Fund) for reimbursement. The exact locations of former subsurface facilities on the site were critical not only to pinpoint investigation and remediation activities but also whether the project was reimbursable by the Fund. In addition, Mr. Johnson's expert testimony regarding underground storage tank locations and the subsurface contamination pathways of oil in the vadose (unsaturated) zone did not have a basis in fact or experience. Mr. Johnson testified that in the absence of preferential pathways, oil contamination could migrate upward. In the circumstances of this case, there is no plausible scientific mechanism to cause upward migration of oil in the vadose zone. Mr. Gary Johnson failed to accurately characterize contamination sources and subsurface contaminant migration pathways, therefore, departed from the standard of care of a licensed Professional Geologist practicing under similar circumstances and conditions.

In the event Mr. Johnson petitions the Board for reinstatement of his license at some time in the future, Mr. Johnson agreed, as a condition to granting any petition for reinstatement or application for relicensure, that he will pay \$13,000.00 to the Board for costs of investigation and enforcement of Accusation No. 01-2002-14 pursuant to Business and Professions Code section 125.3 for investigation, expert witness and prosecution costs. Mr. Johnson agreed that all of the charges and allegations contained in Accusation No. 01-2002-14 will be deemed true solely for the purpose of the Board's evaluation on whether to grant or deny the petition or application.

In Stipulated Revocation of License and Order, dated January 12, 2005, Mr. Gary Johnson agreed that cause for discipline existed and consequently surrendered his revoked Professional Geologist license No. 4315 to the Board. The case was closed on February 24, 2005 by adoption of the Stipulated Revocation of License and Order.